

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

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|-------------------------------------|---|----------------------|
| Charlyn Greene, |) | |
| |) | |
| Petitioner, |) | ORDER |
| |) | |
| vs. |) | |
| |) | |
| Nationstar Mortgage, LLC, d/b/a Mr. |) | |
| Cooper, et. al., |) | Case No. 1:24-cv-087 |
| |) | |
| Respondents. |) | |

Petitioner initiated the above-captioned action on May 17, 2024, with the filing of a document captioned “BILL IN EQUITY CLAIM AND SUMMARY OF DETAILED MOTION IN SUPPORT OF PETITION FOR QUIET TITLE AND REQUEST FOR JUDICIAL REVIEW OF ADMINISTRATIVE PROCESS AND REQUEST FOR SUMMARY JUDGMENT.” (Doc. No. 1). On June 14, 2024, Petitioner filed a document captioned “FIRST AMENDED BILL IN EQUITY CLAIM AND SUMMARY OF DETAILED MOTION IN SUPPORT OF PETITION FOR QUIET TITLE AND REQUEST FOR JUDICIAL REVIEW OF ADMINISTRATIVE PROCESS AND REQUEST FOR SUMMARY JUDGMENT.” (Doc. No. 5). The court construes these documents as Petitioner’s Complaint and Amended Complaint and will refer to them as such. What follows is a partial time line of parties’ subsequent filings:

- June 18, 2024: Respondents Nationstar Mortgage, LLC d/b/a Mr. Cooper (“Nationstar”) and MTC Financial, Inc. d/b/a Trustee Corp. (“MTC”) filed a Motion to Dismiss. (Doc. No. 11).

- July 3, 2024: Petitioner filed a Motion for Default Judgment. (Doc. No. 15). She also filed a Stipulation of Dismissal wherein she asked the court “to remove Respondent Debbie Conway d/b/a Clark County Records Office from this action.” (Doc. No. 16).

- July 3, 2024: Nationstar filed Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1), or, in the alternative, pursuant to Fed. R. Civ. P. 12(b)(6). (Doc. No. 23).
- July 15, 2024: Petitioner filed document captioned “BILL IN EQUITY MOTION IN SUPPORT OF CLAIM FOR QUIET TITLE AND REQUEST FOR JUDICIAL REVIEW OF ADMINISTRATIVE PROCESS AND REQUEST FOR SUMMARY JUDGMENT.” (Doc. No. 28). For the purposes of this order, the court shall refer to this document as Petitioner’s motion to quiet title and for summary judgment. Petitioner also filed what appears to be responses in opposition to MTC’s and Nationstar’s Motion to Dismiss and Nationstar’s Motion to Dismiss. (Doc. Nos. 30 and 31).
- July 30, 2024: Petitioner filed a “Motion for Summary Default Judgment ie; CONFESSED JUDGMENT.” (Doc. No. 34)
- July 30, 2024: Nationstar filed a reply in support of its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1), or, in the alternative, pursuant to Fed. R. Civ. P. 12(b)(6). (Doc. No. 35). Nationstar also filed a combined (1) response to Petitioner’s motion to quiet title and for summary judgment, (2) response to Petitioner’s “Motion for Summary Default Judgment ie; CONFESSED JUDGMENT,” and (3) a Countermotion for Summary Judgment. (Doc. Nos. 36 and 42).
- August 15, 2024: Petitioner filed a combined (1) response in opposition to Nationstar’s request for summary judgment, and (2) motion to strike the reply brief filed by Nationstar in support of its Motion to Dismiss on July 30, 2024. (Doc. No. 46).
- September 16, 2024: MTC and filed an Amended Motion to Dismiss. (Doc. No. 50).
- October 3, 2024: Petitioner filed a combined (1) response to Respondents’ Motion to Dismiss, and (2) Motion for Summary Judgment. (Doc. No. 52).
- October 24, 2024: Nationstar filed a motion requesting a hearing on its pending motions. (Doc. No. 54).
- October 29, 2024: Petitioner filed a combined (1) Motion in Support of Striking All Filings by Respondents; and (2) Motion for Summary Judgment. (Doc. No. 56).
- November 27, 2024: Petitioner filed a combined (1) Motion to Strike All Filings by

Respondents; and (2) Motion for Summary Judgment. (Doc. No. 60).

The court **DENIES** Petitioner's July 3, 2024, Motion for Default Judgment (Doc. No. 15). In her motion, Petitioner's requests the Clerk to enter of default pursuant to Fed. R. Civ. P. 55, asserting that Respondents failed to answer or otherwise timely respond to her pleading. Petitioner's assertions are specious. The record reflects that Petitioner served MTC on or about June 4, 2024. (Doc. No. 10). The record also reflects that Petitioner served Nationstar on or about June 5, 2024. (Doc. No. 8). Finally, the record reflects that MTC and Nationstar timely filed a Motion to Dismiss on June 18, 2024. (Doc. No. 11).

The court construes Petitioner's Stipulation of Dismissal (Doc. No. 16) as a notice of voluntary partial dismissal since Petitioner is its only signor. Therein Petitioner asks the court to remove Respondent Debbie Conway d/b/a Clark County Records Office ("Conway") from this action. The court **ADOPTS** the notice of voluntary partial dismissal (Doc. No. 16) and **DISMISSES** Petitioner's claims against Conway.

The court **DENIES** Petitioner's July 30, 2024, "Motion for Summary Default Judgment ie; CONFESSED JUDGMENT (Doc. No. 34) for the same reasons it denies her July 3, 2024, Motion for Default Judgment.

The court **DENIES** Petitioner's motion to strike the reply brief filed by Nationstar in support of its Motion to Dismiss (Doc. No. 46) as it is frivolous.

The court **DENIES** Petitioner's October 29 and November 27, 2024, Motions to Strike All Filings by Respondents (Doc. Nos. 56 and 60) as they are frivolous on their face.

The Motion to Dismiss filed by MTC on June 18, 2024, is superseded by the Amended Motion to Dismiss filed by MTC on September 16, 2024. Consequently, the court considers the

original Motion to Dismiss (Doc. No. 11) to be **MOOT**.

Nationstar's motion for a hearing on its pending motions (Doc. No. 54) is **DENIED** without prejudice. The court does not require a hearing at this time as the motions appear to be well-briefed. Should the court later determine that a hearing is necessary, it shall contact the parties.

The court, on its own motion, **STAYS** this action pending further order. The court neither expects nor requires any further briefing from the parties at this time.

IT IS SO ORDERED.

Dated this 2nd day of December, 2024.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court